



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,425	10/01/2003	Eiji Kawai	243400US6	5642
22850	7590	12/15/2005		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER NGUYEN, KIMBINH T	
			ART UNIT	PAPER NUMBER
			2671	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/674,425	Applicant(s) KAWAI ET AL.	
	Examiner Kimbinh T. Nguyen	Art Unit 2671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

1. Claims 1-9 are pending in the application.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terada et al. (6,898,759).

**Claim 1**, Terada et al. discloses information accumulating means accumulating image motion information (a data block; col. 2, lines 35-41; col. 22, lines 30-36); display means for displaying images (col. 15, lines 65-67; col. 24, lines 42-67); and control means for detecting, from music division at which tune change occurs and/or information, a climax section music (music control information in correspondence with the music to be played for controlling a sound of the music to be played; col. 34, lines 38-42; the music control information controlling an amplitude of the sound; col. 35, lines 47-51), selecting said image motion information on the basis of a result of the detection, and displaying on said display means a moving image in accordance with the reproduction of said music information by use of the selected image motion information accordance with the reproduction of said music information (col. 35, line 67 through col.

36, line 10). Terada et al. does not directly discloses a tune change occurs and/or a climax section of music; however, Terada et al. teaches utilize the music control information controlling an amplitude of the sound for controlling a sound of the music to be played, the Note On data Ni which have been detected to have the same timing is shown as the position of the left wrist; col. 31, lines 8-13; col. 35, lines 47-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the music control information controlling an amplitude of the sound (a climax section of image) which has taught by Terada, because it would generate higher-quality images in good synchronization with the music play during the music reproduction and image generation (col. 32, lines 8-25).

**Claim 2**, Terada et al. discloses, the control means detects a meter from said music information, divides the music on a measure basis, and uses said music information for each said division at which tune measure, thereby detecting change occurs and said climax section the music (music control information sync. Signal: beat, meter, bar); fig. 11; col. 13, line 48 through col. 14, line 2).

**Claim 3**, Terada et al. discloses, the music information play data based on the MIDI standard and said control means detects said division at which tune change occurs and/or said climax section of said music by use of note information of a MIDI event and/or information of a meta event (col. 13, line 46 through col. 14, line 67).

**Claim 4**, Terada et al. discloses if said music information does not contain meter information, said control means determines a meter on the basis of said note information of a MIDI event (col. 9, line 48 through col. 10, line 38; col. 14, lines 9-18).

**Claims 5-8**, the rationale provided in the rejection of claims 1-4 are incorporated herein.

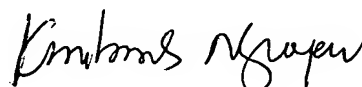
**Claim 9**, the rationale provided in the rejection of claim 1 is incorporated herein. In addition, Terada et al. teaches an image display control program for having a computer execute the procedures (col. 5, lines 41-52).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimbinh T. Nguyen whose telephone number is (571) 272-7644. The examiner can normally be reached on Monday to Thursday from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Friday from 7:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached at (571) 272-7782. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 9, 2005



**KIMBINH T. NGUYEN**  
**PRIMARY EXAMINER**